

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 11, “Collection of Public Assistance Debts,” Iowa Administrative Code.

The Department must establish a claim when Supplemental Nutrition Assistance Program (SNAP) benefits are overpaid or trafficked. When collection of a claim is delinquent, the claim must be referred for recovery by the federal Treasury Offset Program (TOP). This amendment implements a change to Section 3716(c)(6) of Title 31, United States Code (U.S.C.), that shortens the time frame for referring delinquent claims to TOP. Under the revised time frames, claims must be referred to TOP if they are delinquent over 120 days, instead of if they are delinquent over 180 days.

Persons who owe a SNAP claim and are delinquent in making repayment will be referred to TOP sooner to withhold the debt from federal payments eligible for offset, such as income tax refunds.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2770C** on October 12, 2016. The Department received no comments during the public comment period. This amendment is identical to that published under Notice of Intended Action.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective December 14, 2016, because the amendment confers a benefit on the public by ensuring that administrative rules are in compliance with federal requirements for more timely processing of claims. Federal statute 31 U.S.C. 3716(c)(6) recently changed and shortens the time frame for referring delinquent claims to TOP. Under the revised time frames, claims must be referred to TOP if they are delinquent over 120 days, instead of if they are delinquent over 180 days.

The Council on Human Services adopted this amendment on December 14, 2016.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.6.

This amendment became effective December 14, 2016.

The following amendment is adopted.

Amend subparagraph **11.5(1)“a”(3)** as follows:

(3) Debtors are delinquent in repaying their food assistance debt if:

1. A repayment agreement has not been signed and ~~180~~ 120 days have elapsed since the due date of the demand letter as defined in 441—subrule 65.21(4) minus any days the claim was not subject to collection action because of an appeal.

2. A repayment agreement has been signed but the debtor has failed to make the agreed-upon payments and has failed to make up the missed payments. The debtor shall be referred to TOP when ~~180~~ 120 days have elapsed since the first of the month following the month that the debtor failed to make the agreed-upon payment and has not subsequently made up the missed payment.

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